



JACKSON GILMOUR & DOBBS, PC

WILLIAM J. JACKSON  
BJACKSON@JGDPC.COM

T 713.355.5050  
F 713.355.5001

October 21, 2016

Regional Freedom of Information Officer  
U.S. EPA, Region 8 (CO, MT, ND, SD, UT, WY)  
1595 Wynkoop Street  
Denver, CO 80202-1129

**VIA CM/RRR 7010 2780 0000 4408 3839**

Re: Releases from the Gold King Mine and Upper Animas Mining District

Dear Sir or Madam:

On behalf of the State of New Mexico (the "State"), please consider this request pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552 *et seq.* The State is proceeding with an investigation into the spill that commenced on August 5, 2015 at the Gold King Mine near Silverton, Colorado.

Within twenty (20) working days, please make available for inspection, or provide the State with copies of, all records<sup>1</sup> in the care, custody or control of U.S. EPA, Region 8 (CO, MT, ND, SD, UT, WY) ("You" or "your") that relate or pertain to:

1. Topographic and bathymetric Light Detection and Ranging (LiDAR) data of the Gold King Mine waste rock pile—including without limitation maps and digital elevation models—collected from August 5, 2015 to the present.
2. The total volume and final disposition of the waste rock removed from the Gold King Mine site and Cement Creek provided by analytical laboratories, including without limitation complete analytical reports, analytical results, Quality Assurance / Quality Control ("QA/QC") analysis (*i.e.*, chain-of-custody, blank, matrix spike, duplicate samples, calibration, internal/external standards), laboratory forms, and raw analytical and logarithmic data regarding heavy metal and other chemical contaminants.
3. The volume and final disposition of the waste rock pile removed from the Gold King Mine site and Cement Creek provided by analytical laboratories, including without limitation complete analytical reports, analytical results, QA/QC analysis, laboratory forms, and raw analytical and logarithmic data regarding heavy metal and other chemical contaminants.
4. All field notes, coordinate data, and complete analytical reports provided by analytical laboratories, including without limitation complete analytical results, QA/QC

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<sup>1</sup> "Records" refers to any papers, reports, agreements, contracts, amendments, orders, documents, notes, work papers, memoranda, injury logs, data bases, spreadsheets, drawings, photographs, images, specifications, communications, electronic files, e-mails, voice mails, digital recordings, instant messages, text messages, PIN messages, or any other records in any form, including any electronically stored information, whether generated or received by You or your contractors, sub-contractors, agents or consultants, paid or unpaid.

analysis, laboratory forms, and raw analytical and logarithmic data regarding heavy metal and other chemical contaminants, collected from the Gold King Mine site and Cement Creek from September 26, 2016 through September 29, 2016, when the New Mexico Environmental Department visited and observed the Gold King Mine site and the water treatment facility at Gladstone, Colorado.

5. All field notes, coordinate data, and complete analytical reports provided by analytical laboratories, including without limitation complete analytical results, QA/QC analysis, laboratory forms, and the raw analytical and logarithmic data regarding heavy metal and other chemical contaminants collected from the Gold King Mine site and Cement Creek on and after September 30, 2016.

6. Sampling and analysis of surface water, groundwater, and sediment quality of Cement Creek collected from September 24, 2016 to September 30, 2016, including without limitation complete analytical results, QA/QC analysis, laboratory forms, and the raw analytical and logarithmic data regarding heavy metal and other chemical contaminants.

7. Sampling and analysis of treatment system influent and effluent flow data including without limitation complete analytical results, QA/QC analysis, laboratory forms, and the raw analytical and logarithmic data regarding heavy metal and other chemical contaminants.

8. Reclamation activities<sup>2</sup> in the Upper Animas Mining District *after* the August 5, 2015 release at the Gold King Mine, including without limitation information any groundwater seeps in the vicinity of the Gold King Mine site and the Gladstone water treatment facility.

9. The most recent version of EPA's plume arrival model, which was referenced and used as an action item in EPA's June 2016 Fate and Transport Webinars. In addition, please provide the input values to the plume arrival or clarify that EPA has made no changes to the inputs after June 2016.

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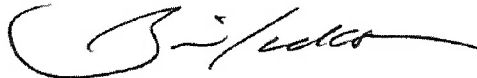
<sup>2</sup> "Reclamation activities" refers to all activity, remediation, removal, response, containment, testing, procurement, design, installation, construction, or maintenance conducted by EPA and/or Colorado Division of Reclamation, Mining and Safety ("DRMS"), or any of their contractors, sub-contractors, agents or consultants, paid or unpaid, and/or any other state or federal agency and that agency's contractors, sub-contractors, agents or consultants, paid or unpaid. Information related to reclamation activities includes, but is not limited to, administrative orders, task orders, work plans, emergency action plans, alert and notification plans, health and safety plans, operation plans, work schedules, cost estimates, environmental risk and impact statements, pollution reports, field activities reports, communications, project summaries, technical memorandums, monitoring plans, and procurement contracts, whether in draft or final form.

10. Any maps generated by EPA's ASPECT (Airborne Spectral Photometric Environmental Collection Technology) flyover, which show plume arrival times along the entire length of the Animas and San Juan Rivers, as well as all data used to generate the map and sources of the data.

11. Any correspondence between EPA and stakeholders (*i.e.*, state, county, city, and tribal governments) discussing the maps identified in Request No. 10.

If you have any questions or concerns regarding the above, please contact the undersigned at (713) 355-5050 or [bjackson@jgdpc.com](mailto:bjackson@jgdpc.com).

Sincerely,

A handwritten signature in black ink, appearing to read "W. J. Jackson", written over a horizontal line.

William J. Jackson

WJJ:aav